

Applicant has summarized the disclosure of Peterson in an earlier communication. Peterson does not teach or describe the invention claimed by Applicant and Peterson's motivations in reaching his invention are different than those of Applicant. Applicant stated the problem addressed by the present invention: "It is the variability of the resource locators used by each syndicator or content provider that causes significant problems in the automation of content gathering." Page 11, lines 6-7. Applicant's claim 1 also requires that content received as a result of transmitting the provider resource locator on the network be assembled before it is delivered to the subscriber's terminal. This is unlike Peterson and is contrary to the rationale given by Peterson for Peterson's invention: improving distribution of Web content by decentralizing to client-based system, otherwise "[b]y centralizing all information, the data source becomes a choker point to all information flow." Col. 3, lines 63-64.

In Examiner's response to Applicant's first amendment and remarks, Examiner points out that claim 1 does not explicitly state that it is a URL that has parameter slots. Applicant has clearly stated that a resource locator may be a URL (page 12, line 28), so that specificity cannot be excluded from the interpretation of the meaning of the words. Even so, the explicit language of the claim provides internal limits to the definition and clearly sets the claimed invention apart from Peterson. The locator template (which is compatible with a resource locator of a content provider) has parameter slots into which are inserted stored parameter values to create a provider resource locator, thereby solving the problem posed by Applicant. The provider resource locator is then transmitted on the network! At no point does Peterson transmit such stored parameter values as part of a provider resource locator (URL) on the network. This step alone is not taught or disclosed by Peterson and therefore clearly makes a rejection under §102(e) improper. Peterson teaches that the user may "elect certain channels and content by appropriately marking them in the index viewer UI 122." Col.10, lines 14-16. These preferences are stored and used to create filters used by a browser (90) at the user's location to "scan the index 30 or Web content 28. Index items or content data that do not match the user's preferences are discarded." Col. 10, lines 29-33. This same filtering concept is continued in col. 11, line 39 - col. 12, line 3. Peterson does not - as required in Applicant's claim 1 - insert the stored parameters directly into the resource locator (i.e.,

the URL) and transmit these stored parameters on the network. This fact is made especially clear when one considers that Peterson pre-stores the URL for sites having content that meets the user's preferences, and uses the pre-stored URL (clearly without parameter slots for inserting parameter values) to access the site identified by the pre-stored URL. See col. 12, lines 4-15. Peterson's aggregation/disaggregation of content "all occurs at the client, so the server-side organization is not disturbed." Col. 12, lines 21-23.

In Examiner's second point (B), Examiner equates Peterson's "channels" and Applicant's "parameter slots". Examiner also equates Peterson's "new channel...that presents the Web content from the set of channels" with Applicant's "provider resource locator". Presumably, Examiner equates Peterson's "preferred Web content" with Applicant's "content definition". In order to continue to fit Examiner's hypothetical equivalences, one must assume Peterson's browser performs the claimed step of "defining a locator template..." etc. Peterson discloses a "channel" which contains content (i.e., "preferred Web content"/"content definition") specified by the user. (See col. 11, lines 57-66, for example). According to Examiner's equivalences, Applicant's "parameter slots" equivalently contain content. In accordance with Applicant's claim, the "locator template" with a plurality of "channels" must be compatible with a "resource locator" of a "content provider". That is, content filling the "parameter slots" must be compatible with the content found in a resource locator of a content provider. This hypothesis is not found in Peterson. Peterson takes content delivered by content providers, aggregates/disaggregates it at the user's terminal in accordance with user's specified preferences (i.e., a basketball channel) and makes it available to the user. Col. 11, line 48 - col. 12, line 31.

Furthermore, Peterson does not transmit the "provider resource locator" ("new channel") on the network to receive content from a content provider. Using Examiner's hypothesis, Peterson's "new channel" that "presents Web content from the set of channels", presents this content to the user; it does not transmit it on the network.

Peterson, moreover, does not assemble the "received content for delivery from the document server to the subscriber terminal", as required by claim 1. Peterson states that "[t]his all occurs at the client, so the server side organization is not altered." Col. 12,

lines 21-23. Similar arguments are pertinent for independent claims 12 and 13 and dependent claims 2 and 7-9. Claim 10 deserves special mention. Since Peterson's system is client-based, decisions are made locally as to when raw content is to be pulled from the Web: "In some cases, the user may wish to schedule the gathering of Web content at predictably low traffic times, such as at midnight or early morning hours. The user enters these constraints in the 'Time' field of the schedule UI 100, as shown. The ability to coordinate delivery of content at off-hours helps alleviate network congestion and the burden on servers." Col. 9, lines 10-15. Applicant's claims 1, 9, and 10 require the content to be assembled before delivery, not delivered to the client and subsequently dealt with. Furthermore, Peterson teaches that a separate subsystem, a scheduler, is used to enable the user to schedule the certain Web content to be collected at the client-based system. See col. 8, line 63 - col. 9, line 4. The present Application requires that the scheduling of delivery is performed in accordance with the subscriber profile.

Since §102 requires that there be present in a single prior art reference a disclosure of all of the elements of the claimed invention arranged as in the claims. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983), the examination must include an accurate review of the reference for the disclosure of each of the claimed elements. As shown above, all of the elements of independent claims 1, 12, and 13 are not taught or disclosed by Peterson. Accordingly, the requirements supporting a rejection under 35 U.S.C. §102(b) have not been met. Dependent claims 2 and 7-10 are dependent upon a believed allowable claim 1 and are therefore believed allowable.

Examiner has rejected claims 3-6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of USP 6,377,963 to Walker et al. ("Walker"). A summary of the relevant teachings of Walker were described in an earlier response.

With regard to Applicant's claim 3, Examiner acknowledges that Peterson does not, among other things, disclose the storage name includes the current date code and content definition code and attempts to persuade that Walker fills in the deficiencies. Even if the combination were allowable, Applicant respectfully disagrees. While Walker may create a database containing data such as magazine ID number (which Examiner equates to Applicant's "content code") and subscription expiration date, etc., Walker does

not *name* the entry into the database with a current date code and content definition code (as required in claim 3). The file name and the file contents are different entities. Even if one could find some suggestion or motivation to combine Peterson and Walker, Walker does not teach or disclose the aforementioned elements. Therefore a proposed combination of Peterson and Walker cannot be deemed to make claim 3 obvious.

With regard to Applicant's claims 4, 5, 6, and 14, Examiner has referenced Walker's description of data that Walker stores in a database. As discussed above, neither Walker nor Peterson disclose storing elements of data in the storage location *name*.

Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of USP 6,460,036 to Herz ("Herz"). Herz discloses a system and method that identifies desirable objects in electronic media based upon user interest levels saved as a user profile interest summary. Claim 11 is ultimately dependent upon independent claim 1, which has been shown above to be allowable over Peterson. Herz does not add the elements missing from Peterson to anticipate or make obvious claim 1. Accordingly, claim 11 is believed allowable.

Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Isaac et al. USP 6,632,248 ("Isaac"). Peterson has been shown, above, to not disclose or suggest recalling and inserting parameter values into parameter slots to create a provider resource locator which is transmitted on the network. Examiner acknowledges that Peterson does not explicitly state an equivalence between Applicant's "provider resource location" and a URL (Uniform Resource Locator). Examiner now cites Isaac as defining a URL as a provider resource locator with the elements of Applicant's claimed invention missing from Peterson being taught by Isaac. Isaac discloses a shortcoming of conventional HTML documents being "...all users who access a document receive the same information and links." Col. 1, lines 63-64. Isaac teaches that a customizable HTML page may be reached by using a network address that is associated with the customizable HTML page. Col. 2, lines 16-25. Once the user has the HTML customize page, the user may specify sports, news, weather, etc. to be added to the customized page. Col. 2, lines 25-32. "In addition, the HTML customization document can allow the user to designate *specific network addresses or URLs* to be

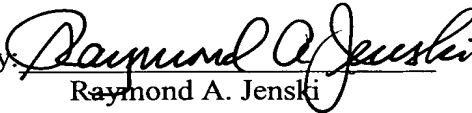
included *on the customized HTML document*." Col. 2, lines 32-35 (emphasis added). With further access to the network address, a "cookie" is returned by the user to have the customized HTML document formed for the user. Col. 2, lines 49-60.

Isaac does not provide the missing steps or elements. Isaac only enables an *HTML document* to be customized. Isaac's URL (which, itself, may be added to a customized HTML document) is a fixed string, and does not have parameter slots into which are inserted recalled parameter values. See col. 7, line 59 - col. 8, line 5. Moreover, there is no suggestion or motivation in either reference to combine them as Examiner has suggested.

Therefore, in view of the foregoing, Applicants believe the present Application to be in a condition suitable for allowance. Examiner is respectfully urged to withdraw the rejections upon reconsideration of the Application as amended and pass the amended Application to allowance, or, to enter Applicants remarks as placing the present Application in a state suitable for appeal.

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